**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Public Services – Revenue Department – Sri K.Subbaiah, Executive Engineer, Drainage Division, Kakinada District– Disciplinary proceedings under rule – 20 r/w rule - 24 of Andhra Pradesh Civil Services (Classification Control and Appeal) Rules, 1991 – Articles of charge – Issued.

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**REVENUE (VIGILANCE-I) DEPARTMENT**

**G.O.RT.No. 795** **Dated: 13-11-2024**
**Read:**

G.O.Ms.No.241, Rev. (Vig.I) Dept., dt: 30.10.2024

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**ORDER:**

In pursuance to the G.O read above, it is proposed to hold an enquiry against Sri K.Subbaiah, Executive Engineer, Drainage Division, Kakinada District in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure- I). A statement of imputations of misconduct / misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witnesses by whom, the articles of charge proposed to be sustained are also enclosed (Annexures-III)

3. Sri K.Subbaiah, Executive Engineer, Drainage Division, Kakinada District is directed to submit, within 10 days from the date of receipt of this order, a written statement of his defence.

4. Sri K.Subbaiah, Executive Engineer, Drainage Division, Kakinada District is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri K.Subbaiah, Executive Engineer, Drainage Division, Kakinada District further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri K.Subbaiah, Executive Engineer, Drainage Division, Kakinada District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to her service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri K.Subbaiah, Executive Engineer, Drainage Division, Kakinada District is aware of such a representation and that it has been made at his instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the Order be acknowledged.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**R.P. SISODIA**
**SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)**

To
Sri K.Subbaiah, Executive Engineer, Drainage Division, Kakinada District. (Through the Chief Commissioner of Land Administration, A.P., Mangalagiri for service and to return the served copy with dated acknowledgement immediately (By RPAD))
The Chief Commissioner of Land Administration, A.P., Mangalagiri
Copy to:
The District Collector, KakinadaDistrict.
SF/SC.

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**

**ANNEXURE-I**

**STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI K.SUBBAIAH, EXECUTIVE ENGINEER, DRAINAGE DIVISION, KAKINADA DISTRICT.**

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Sri K.Subbaiah, Executive Engineer has committed dereliction of duties amounting to misconduct in violation of Rule (3) of APCS (Conduct) Rules 1964, as mentioned in the following articles of charges.

**Articles of Charge I:** That the said Sri K.Subbaiah, while functioning as Deputy Executive Engineer, K.C. Canal, Special Sub Division, Mydukur during 08.05.2003 to 09.09.2004 issued no objection certificate vide letter No. 7W/ATO/A-70/524SE, dt: 09.09.2004 to alienate the land in Sy. No. 509 and 510 of Gudur Tank supply channel depriving the contemplated ayacut. Thus, he has committed dereliction of duties amounting to misconduct.

**R.P. SISODIA**
**SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)**

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**

**ANNEXURE-II**

**STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THEARTICLES OF CHARGES FRAMED AGAINST SRI K.SUBBAIAH, EXECUTIVE ENGINEER, DRAINAGE DIVISION, KAKINADA DISTRICT.**

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(1) The V&E Department officials has conducted enquiry on the following allegations

(a) The real estate mafia in Kadapa Town has illegally encroached more than 5.00 acres of KaivaPoramboke land belongs to K.C. Canal in Sy. Nos. 508, 509, 510, 511, 512, 513, 514 and 515 of Gudur village and laid cement road by destroying K.C. Canal siphon near Rama Rajupalli village.

(b) The KMC built cement roads, drains, construction of ELSR and providing water distribution pipe lines in VijayaDurga colony without land conversion and layout approval by incurring crores of Rupees to the streets even though there are no houses

(c) The officials of Irrigation department, Municial Corporation, Kadapa and Revenue Department Kadapa are kept quiet without eviction of encroachments and encouraging the real estate mafia

(2) V&E after verification of the above allegations has made the following observations

(i) The pathacuddapah tank supply channel passing through survey numbers 505, 506, 507, 508, 513, 516, 517, 518 and 519 of Gudur revenue village, Gudur Tank supply channel is passing through Sy. Nos. 509 and 510 and the field channel are spreading over Sy. Nos. 511, 514 and 515 to feed the ayacut

The land in Sy. Nos. 508, 509, 510, 511, 514 and 515 was encroached by the layout developers and Kadapa Municipal Corporation. The developer has laid roads for developing layout, demarcated the plots and sold to the individuals along with adjacent K.C. Canal lands. The KMC constructed ELSRs including water distribution pipe lines in Sy. Nos. 509 and 510.

(ii) The layout of VijayaDurga Colony was formed in the year 2004 to 2005 adjacent to the K.C. Canal. The canal existing in Sy. No's 508, 509, 510, 511, 512, 514 and 515 was encroached and a masonary drain of 0.75m width was constructed by the developer in his own land. The developers contention is that masonary canal was constructed in lieu of Gudur Tank Supply channel and it will convey the required water to feed the contemplated ayacut

(iii) During 6/2004 K.C canal special sub-division, Mydukur authorities reported M.R.O. Kadapa that some miscreants have disturbed the canal banks for a length of about 100 m in the Sy. No's. 509 and 510 by diverting the supply channel at their convenient direction and requested for demarcation of PCTS channel and GTS channel land belongs to K.C. Canal sub division of I&CAD Department and also requested for eviction of the occupied land.

(iv) The M.R.O. Kadapa lodged a compliant on illegal encroachment of Government land in Sy. No's. 509 and 510 belongs to K.C. Canal of I&CAD Department in Taluk Police Station and case was registered vide FIR No. 14/2005 under section 447, 427, 430 and 431 of Indian Penal Code read with 34 IPC.

The police authorities were kept silent for a period of 14 months for a reason that the MRO has not demarcated the boundaries of encroached land and given scope to the encroaches to complete the construction of pucca houses and fulfillment of their intention. Later crime No. 14/2005 was referred as case of civil nature water vested interests throwing blame on the MROs and not served the proceedings to the Tasilder, Kadapa and not filed in the concerned court also.

(v) Later during the enquiry, Tahsildar furnished the details of encroachments as below

| S No. | Type of encroachment | Names of encroachers | Survey number | Total area in Acres | Area encroached in Acres |
|---|---|---|---|---|---|
| 1 | Water tank 500 KL | KMC, Kadapa | 509 | 1.19 | 05458 |
| | Water tank 40 KL | | | | 0.0413 |
| | | | | Sub Total | 0.5871 |
| 2 | Structures/ Buildings | Individuals as per annexure | 508 | 2.27 | 0.15248 |
| | | | 509 | 1.19 | 0.32311 |
| | | | 510 | 1.26 | 0.24343 |
| | | | 511 | 0.68 | 0.2155 |
| | | | 514 | 0.63 | 0.37025 |
| | | | 515 | 0.09 | 0.0154 |
| | | | | Sub Total | 1.32017 |
| 3 | For laying of Roads | Encroached by Developer | 509 | 1.19 | 0.23697 |
| | | | 510 | 1.26 | 0.20258 |
| | | | 511 | 0.68 | 0.33845 |
| | | | 514 | 0.63 | 0.11339 |
| | | | 515 | 0.09 | 0.0516 |
| | | | | Sub Total | 0.94299 |
| 4 | Vacant plots sold to individuals by the developer | Individuals as per annexure | 508 | 2.27 | 0.1368 |
| | | | 509 | 1.19 | 0.04282 |
| | | | 510 | 1.26 | Nil |
| | | | 511 | 0.68 | 0.12605 |
| | | | 514 | 0.63 | 0.14636 |
| | | | 515 | 0.09 | 0.023 |
| | | | | Sub Total | 0.47503 |
| | | | | Grand Total | 3.32529 |

The area of land encroached by the Layout developer is 2.73819 Acres (3.32529 0.5871 i.e., under possession of KMc). The present market value of the land in 8th ward is Rs. 5,800/- per square yard and the value of land encroached is amounting to Rs. 7,68,66,470/- (2.73819 x 4840 x 5800).

The Town planning officials of the KMC, Kadapa have approved building plans without verifying the boundaries of the plot, whether it is private land or Government land. Further the Town planning officials approved the building plans against the building rules, i.e., No structures shall be constructed with in a distance of 9m from the boundaries of Canal, Vagu etc., and failed to initiate any action on unauthorized layout.

(vi) Against to the A.P. Regulation of Unapproved and illegal layout Rules 2007, the KMC, Kadapa officials approved 164 building plans in VijayaDurga Colony during 2007 to 2016. Among this 38 plans approved are found encroached in to the K.C. Canal Poramboke land in Sy. Nos. 508, 509, 510, 511, 512, 514 and 515 of Gudur revenue village, plans approved without ascertaining the ownership ship of the land.

The KMC has constructed ELSR's of 500 KL capacity with an estimate amount of Rs.42,11,000/- and water distribution system provided with an estimate amount of Rs.2,03,64,000/- were in VijayaDurga colony during year 2008.

Further the KMC also taken up 77 works for construction of CC pavements, open drains, water supply and providing street lighting with an estimate amount of Rs. 1,23,69,950/-.

Totally an amount of Rs. 3,69,44,950/- was incurred to provide water supply, CC roads and drains in VijayaDurga colony by the Kadapa Municipal Corporation, Kadapa.

(vii) A Writ petition was filed by some of the residents of VijayaDurga colony namely Sri. PallaRadha Krishna S/o. P. Santi Muneiah and four others vide W.P.No. 22249 of 2006, praying to issue a writ of mandamus declaring the action of the respondents in demolishing the premises of the above said petitioners as illegal, arbitrary and irrational.

The Hon'ble High court of Andhra Pradesh disposed the above Writ Petition. stating that, the statement made by the petitioners that there is a threat of demolition cannot be believed, instructing the respondents to give notice and give an opportunity to the petitioners as and when adverse action to be taken against them. (It is observed that no action has been initiated by the respondents since disposal of the W.P. on 27- 10-2006.)

(3) The Executive Engineer when working as a Deputy Executive Engineer in K.C. Canal special sub division, issued no objection certificate vide his letter No. 488E dt: 08.09.2004 to the Executive Engineer duly marking copy to the MRO, Kadapa, based on which Executive Engineer issued No objection certificate even there is a contemplate ayacut in his letter No. 7W/ATO/A-70/524 8E dt: 09.09.2004 addressed Superintending Engineer duly marking copy to the MRO, Kadapa.

(4) Thus, the said officer has failed to perform his duties in issuing No objection certificate duly depriving the contemplated ayacut under Gudur tank supply channel in 84 Nos 509, 510 which amounts to dereliction of duties leading to misconduct in violation of Rule (3) of APCS (Conduct) Rules 1964.

**R P SISODIA**
**SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)**

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**

**ANNEXURE - III**

**LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI K.SUBBAIAH, EXECUTIVE ENGINEER, DRAINAGE DIVISION, KAKINADA DISTRICT, ARE PROPOSED TO BE SUSTAIND:**

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1) Vigilance Report No.48 (C.No.915/V&E/D1/2015), dt; 21.05.2019 along with enclosures.

**R P SISODIA**
**SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S)**

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**

**ANNEXURE – IV**

**LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI K.SUBBAIAH, EXECUTIVE ENGINEER, DRAINAGE DIVISION, KAKINADA DISTRICT, ARE PROPOSED TO BE SUSTAIND:**

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(i) V&E officials who conducted enquiry.

**R P SISODIA**
**SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS, R&S,)**

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**